

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**

**MINUTES
CITY OF GLENDALE
CITY COUNCIL WORKSHOP
June 21, 2005
1:30 p.m.**

PRESENT: Mayor Elaine M. Scruggs, Vice Mayor Thomas R. Eggleston, and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Phillip Lieberman, and Manuel D. Martinez

ALSO PRESENT: Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. 2005 END OF SESSION LEGISLATIVE REPORT

CITY STAFF PRESENTING THIS ITEM: Ms. Miryam Gutier-Brown, Intergovernmental Programs Director, and Ms. Dana Tranberg, Intergovernmental Programs Deputy Director

The Intergovernmental Programs staff will provide Council with the 2005 end of session legislative report, which includes the final disposition of bills upon which policy direction was provided by Council.

The Glendale legislative agenda is developed annually and defines the city's priorities for lobbying activities at the Arizona State Legislature.

The 47th Legislature's 1st regular session began on January 10, 2005.

The Intergovernmental Programs staff presented Glendale's proposed legislative agenda for 2005 to Council during the January 4, 2005 workshop. Council provided policy direction on the 2005 Glendale legislative agenda.

Staff provided Council with an update during the February 1, 2005 workshop and included recommendations on several key bills. The Council provided policy direction for those bills.

Staff returned to Council during the March 1, 2005 workshop and presented additional recommendations on several key bills and a status report on other legislative issues.

Staff presented a status update on bills going through the legislative process at the May 23, 2005 workshop session. Staff focused on the disposition of several bills that were amended. Council provided direction on those bills.

The key principles of Glendale's legislative agenda are: 1) to preserve and enhance the city's ability to deliver quality and cost-effective services to citizens and visitors; 2) to address quality of life issues for Glendale residents, and 3) to enhance the Council's ability to serve the community by retaining local decision making authority and maintaining fiscally balanced revenue sources.

This is an informational update for Council.

Ms. Tranberg stated the Neighborhood Legislative Link program, whose purpose was to educate Glendale residents on the legislative process, get in touch with legislators, and track issues at the legislature was very successful, having held two workshops with approximately 75 attendees and over 50 people attending Neighborhood Day at the Legislature. She stated they carried out an email alert to residents who chose to sign up, providing information about when bills were to be heard in committee and key issues discussed at the legislature that had the potential to impact Glendale. She said they also offered legislator contact cards and tours of the Arizona State Capital. She stated they intend to hold additional classes in the fall as they head into next year's legislative session.

Ms. Gutier-Brown reported the legislature adjourned on May 13, 2005, noting 1,311 bills were introduced during the session. She stated, of those bills, 384 were signed by the Governor and 58 were vetoed. She explained a majority of the bills that were passed represent new laws, with 25 percent of them budget related. She noted, on average, over 300 bills are signed every year.

Ms. Gutier-Brown explained the process they go through in tracking bills, stating the bills are introduced and those that have the potential of impacting the city are distributed to the department heads and legislative liaisons within departments for review. She said those bills determined to have the highest likelihood of having negative impacts on the city are then brought before Council, which, during this session, included local taxing authority bills and urban revenue sharing bills. She said, fortunately, there was not adequate support in the House and Senate to pass SB 1115 and 2664. She noted a couple budget bills that they initially feared would have a negative impact on the city, corporate sales tax factor and property tax reduction, were modified. She explained the property tax bill had an increase in the length of time over which the tax would be phased in and the corporate sales tax factor bill had a provision included that businesses would have to invest over \$1 billion in capital in Arizona before the formula could be changed. She said, given the situation when the legislative session began, they believe Glendale fared quite well.

Councilmember Clark explained the Central Arizona Ground Water Replenishment District Omnibus Water bill required people who use Arizona Ground Water to pay off their indebtedness before they can obtain any more Central Arizona Ground Water. She asked about the process the CAGRD is required to use to calculate replenishment reserve targets for the Phoenix, Tucson and Pinal active management areas and how Glendale's replenishment reserve targets will be impacted.

Councilmember Clark referenced an election law bill for the Secretary of State, asking about the provision that requires the number of registered voters on March 1 of the year the state general election is held to be the basis for calculating the number of signatures needed on a nomination other than a primary petition. She asked if that bill has an impact on the election process in Glendale. Ms. Tranberg offered to research the answer to Councilmember Clark's question.

Councilmember Clark noted a bill regarding outdoor advertising allows signs to be located on a comprehensive development along an interstate, secondary, or primary system within 650 feet of the edge of the right-of-way. She stated the immediate implication in Glendale relates to the Bell Road corridor where the Loop 101 is adjacent to commercial development and the Westgate area. She said there previously was a law that prohibited commercial development signs within the 650-foot boundary. Ms. Tranberg offered to obtain specifics on the bill, explaining when the bill was initially introduced, the issue at hand was large scale developments that abut a freeway and have numerous parcels or businesses. She explained ADOT's rules and regulations stated, unless the sign is on property adjacent to the freeway, a sign could only advertise business located on that particular parcel or property. She said businesses that were located in the development, but removed from the freeway, were unable to advertise on the billboard. She noted the bill sponsors and proponents worked with ADOT to draft language that ADOT felt would enable them to provide signage for large-scale developments.

Councilmember Frate asked about the bill that called for a gas tax rebate. Ms. Gutier-Brown explained the gas tax rebate bill was an attempt by leadership in the House to offset the high cost of gas over the past year. She reported the bill did not receive a hearing because of questions and unintended consequences associated with the idea.

2. ANNEXATION REQUEST AN-157: 8237 AND 8257 WEST NORTHERN AVENUE

CITY STAFF PRESENTING THIS ITEM: Ms. Kate Langford, Senior Planner, and Mr. Jon Froke, Planning Director

This is a request for the City Council to discuss annexation request AN-157 for 12.91 net acres located at the southeast corner of 83rd and Northern avenues.

This request is being presented to the Council in accordance with the procedures for undeveloped properties as outlined in the city's Annexation Policy.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. Annexation is a tool that can be used by the city to direct and manage growth.

The Council adopted Glendale's first Annexation Policy on December 16, 2003. The policy includes a step that incorporates presentation of annexation requests to the Council at a workshop after an analysis of the request has been completed by staff.

Annexation of this location was last discussed by Council on October 19, 2004. At that time Council did not authorize staff to proceed with the annexation due to the lack of specific development plans.

Representatives of the owners of the 12.91 net acres have submitted a request for annexation.

There is interest from potential developers to establish a single-family residential subdivision on approximately 11 acres of the site and a commercial-office activity on two acres.

If annexed into the city, the parcel will be eligible for connection to city utilities and will receive city services. All development that may occur on this parcel must comply with current City of Glendale development standards and policies.

The Glendale General Plan land use category for this parcel is LDR 1-2.5 du/ac [Low Density Residential, 1-2.5 dwelling units per acre].

The existing Maricopa County zoning for this parcel is R1-6 [Single Family Residential, 6,000 SQFT minimum lot size].

State law requires that an annexing jurisdiction apply the most comparable city-zoning district to a newly annexed property compared to the existing county zoning. The most comparable Glendale zoning district is R1-6 [Single Family Residential].

The annexation analysis of this site indicates that there are no immediate impacts to the city. When the parcel is developed, Development Impact Fees would be collected. Sales tax collection would occur if the site were to include a retail business. Additional rights-of-way for both 83rd and Northern Avenue may be required prior to development of these parcels. This site would also need to incorporate the future development of Northern Parkway.

The next step in the process, if Council directs staff to proceed with the annexation, is to record the blank annexation petition and schedule the public hearing as required by statute.

The annexation of this 12.91-acre area would require that any future development of this site meet the Glendale General Plan requirements as well as all other development standards for the City of Glendale.

Development of this site would require completion of 83rd and Northern Avenues adjacent to the property including landscaping.

Staff is seeking direction from the Council to continue with the annexation process for this site in accordance with the procedure prescribed in the state statutes.

Councilmember Martinez asked if LDR 1-2.5 is closest to the county's current designation of R1-6. Ms. Langford said the General Plan designation is 1-2.5 dwelling units per acre, but the property would come into the property zoned R1-6.

Mayor Scruggs said the developer apparently wants to retain the R1-6 zoning, but the General Plan calls for another designation. She asked if it would be correct to say the developer has no intention of conforming to the city's General Plan. Ms. Langford responded yes. She noted the developer has met with staff and Councilmember Clark and the city's vision has been relayed to that person numerous times.

Councilmember Goulet asked if there is a possibility that Northern will be widened. Ms. Langford stated the Northern Parkway proposal unguates more right-of-way within the development area. Councilmember Goulet questioned why they are proposing a residential development that will front such a prominent street. He said he is also curious about the proposed light configurations. Mr. Froke explained the General Plan designation of 1-2.5 could be implemented with three different zoning districts. He said a General Plan amendment of 3.5 to 5 will be required if the property is zoned R1-6. He stated the question for Council is whether or not they want staff to proceed with a pre-annexation agreement with the developer. He noted staff has conveyed its concerns about lot sizes, stating staff previously recommended larger lot sizes in that area with no access onto Northern Parkway.

Councilmember Clark stated certain sites are not appropriate for commercial/retail development, of which she believes the subject corner is one. She pointed out a private drive with large lot development is located left of 83rd Avenue and large lot development is also located to the north. She stated Auburn, Casa de Esueno, and Topaz are all large lot developments and Rovey Farms is planned for large lot development on its eastern boundary. She said the corridor has moved in the direction of large lot development and it would be inappropriate to do anything but encourage similar development for the subject property. She asked Council to direct staff to pursue a pre-annexation agreement with the applicant, suggesting the agreement include stipulations prohibiting commercial or office development and requiring density to follow the intent of the General Plan.

Councilmember Goulet asked Dr. Johnson about the future development of Northern Avenue. Mr. Johnson explained the facility unculates toward the north so as to get the maximum right-of-way dedication to the south. He stated the timing is in Phase III, which is the 2015-2020 timeframe and the current concept calls for an elevated structure.

Councilmember Clark asked if there is a possibility as Phases II and III develop for changes that would result in certain intersections being depressed rather than elevated. Dr. Johnson clarified the concept is preliminary at this point, noting they are moving toward 30 percent design. He stated they are looking at access issues throughout the corridor and, at this point in time, all structures will be elevated over the arterials, except at 103rd Avenue because of its proximity to the neighborhood. Councilmember Clark asked if the structure could end up being depressed in the subject area as well. Dr. Johnson responded yes.

Mayor Scruggs asked what they will tell people who are buying houses in the area. Dr. Johnson said while the structure could ultimately be depressed, at this time, they are telling homebuyers that the structure will be elevated. Mayor Scruggs pointed out all of the funding for the Northern Parkway was set under the assumption of an elevated design. She commented on the significantly higher costs involved in depressing a transportation corridor. Mayor Scruggs asked if the applicant in this case knows the structure is expected to be elevated. Ms. Langford said the applicant has been made aware of the Northern Parkway project and has spoken with Dr. Johnson.

Mayor Scruggs asked what are the benefits of annexing the property. Mr. Froke said the property is undeveloped and in the city's strip annexation area. He stated annexation will allow Glendale to control the ultimate development of the property and Glendale will collect the development impact fees rather than the county. Mayor Scruggs asked if the applicant intends to get entitlement in the county and annex in later, in which case the city would have little control. Mr. Froke said they have not gotten to that level of detail with the applicant. Mayor Scruggs asked what would be accomplished with the pre-annexation agreement. Mr. Froke said the conceptual design has not gone through any level of review by the City of Glendale, noting, for instance, staff would hope access to Northern Parkway would not be provided. Mayor Scruggs asked what would likely be in the pre-annexation agreement and would annexation not take place until an acceptable pre-annexation agreement is developed. Ms. Langford explained the pre-annexation agreement would be developed and approved by the Council first and, in many cases, the agreement outlines when and how the annexation will occur. She said the pre-annexation agreement would also help level expectations of both the city and the developer. She emphasized that the plan submitted by the applicant is extremely conceptual and has not been approved in any way by the city. Mayor Scruggs asked if the pre-annexation agreement will define eventual densities and lot sizes, require that potential homebuyers be notified of Northern Parkway and so forth. Ms. Langford said, within the realms of what the Council directs staff to do, they can speak to density. She noted, however, they cannot contract a zone so they cannot go into too greater detail.

Councilmember Lieberman expressed his opinion the flyover over Northern Avenue will hinder commercial development along the northern portion of the subject site. Dr. Johnson noted one advantage of an elevated facility is that commercial developments along the corridor have greater exposure.

Vice Mayor Eggleston asked about the county strip south of the subject property. Councilmember Clark said there are a couple large houses on that property, however, the owners have not expressed an interest in annexation. Ms. Langford said staff asked the applicant to poll the neighbors, but none indicated a desire to annex into the city at this point in time. Vice Mayor Eggleston asked what is the downside to not annexing the property. Ms. Langford explained, if developed as R1-6 in the county, a sewer system would be required. She pointed out, however, Glendale's policy prohibits areas not located within the city from connecting to the city's sewer system. She noted the minimum lot size for County Health Department approval of a septic tank is 35,000 square feet.

Councilmember Lieberman asked if a zoning change would be necessary if the developer wants to have larger lots. Mr. Froke responded yes, stating the property would most likely end up with one of the city's Suburban Residential zoning designations.

Mayor Scruggs asked for a description of the quality of life people living in the houses could expect living so close to Northern Parkway. Dr. Johnson stated the flyover would gradually elevate to a high point directly over 83rd Avenue. Mr. Froke stated the residential design guidelines require a minimum 30-foot landscaped buffer from the property line to the back of the curb. Mayor Scruggs asked if the landscaped buffer would have to be sacrificed if there was insufficient room for the Northern Parkway and ramp. Dr. Johnson said the current concept shows adequate space, however, if more space were needed they would have to purchase land from the subdivision. Mayor Scruggs pointed out vehicles on Northern Parkway will be only about 60 feet from the backyards. Mr. Froke agreed.

Councilmember Clark commented the same situation would affect people at every corner along the parkway.

Mayor Scruggs said the question appears to be whether or not residential is the best use for properties along the corridor. She expressed concern homeowners in that area will feel their homes are not as valuable as others. Mr. Froke said the meeting he and Dr. Johnson had with Councilmember Clark and the applicant included a discussion about the best way to develop the property, including the option to transition from the parkway using a neighborhood friendly commercial or office development. Mayor Scruggs said she initially supported residential development, but she did not have a clear picture of the elevated Northern Parkway. She questioned whether the situation creates the nice living environment they want to have in Glendale. She asked if the developer wants R1-6 zoning or if the city has moved them to that designation. Mr.

Froke explained R1-6 standards are in the ordinance and the city's design guidelines call for a minimum lot size of 7,000 square feet.

Councilmember Clark suggested they work out a development agreement that allows for a certain amount of commercial office development as a buffer, with the rest of the density maintained at the level called for in the city's General Plan.

Councilmember Goulet supported Councilmember Clark's suggestion. He asked Mr. Froke what type of development would be considered desirable along that type of corridor eight to ten years in the future. Mr. Froke stated the most critical impact will be right at 83rd Avenue and, given the anticipated amount of traffic along 83rd Avenue and on Northern Parkway, neighborhood friendly land uses may be more desirable. He pointed out a similar situation exists at 75th Avenue and the Northern Parkway, suggesting the R1-6 zoning at that location is probably not appropriate either. He expressed his opinion commercial office could provide a good buffer from the elevated interchange.

In response to Mayor Scruggs' question, Mr. Froke said the Planning Department has had good success over the past three or four years in enhancing the city's office portfolio.

Councilmember Martinez noted Peoria had to mitigate problems caused by the elevated freeway at 83rd and Union Hills. He said, after listening to the discussion, he believes an office development makes more sense.

Councilmember Lieberman stated their discussion is very timely given that 75th, 83rd, 91st, 99th and 107th Avenues will all have flyover interchanges.

Councilmember Clark expressed her opinion it would be appropriate to direct staff to proceed with a pre-annexation agreement that includes an office component to buffer the residential development and that follows the General Plan for the balance of the residential.

Vice Mayor Eggleston questioned whether people would be interested in building half-million dollar homes so close to the overpass. He suggested they reduce the size of the lots, while keeping the General Plan designation in mind.

Councilmember Clark expressed her opinion the city would be better served sticking to the General Plan designation because of the comments they will hear from the surrounding area if the lot sizes are reduced. She suggested SR-12 would be an appropriate zoning designation.

Mayor Scruggs asked about the lot sizes in Willow Estates. Mr. Froke stated they are Suburban Residential. Mayor Scruggs said moving forward with a pre-annexation agreement using the commercial office concept and SR-12 or a higher quality gated

community would make for a nice development. She directed staff to find out if the applicant is interested in proceeding within those parameters.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.